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515, 23 Pac. 795. Nor should the rule be affected by the fact that the channel is deepened, as here, by being depressed below the surface instead of by elevating the banks by the erection of levees. The court in the principal case, however, has apparently reached its conclusion, not by placing the case within the technical confines of any of these rules, but by generally determining the rights of the parties by the reasonableness of their actions. See 2 FARNHAM, LAW OF WATERS, § 889.

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## BOOK REVIEWS

**CRIMINALITY AND ECONOMIC CONDITIONS.** By William Adrian Bonger. Translated by Henry P. Horton. Boston: Little, Brown & Company. 1916. pp. xxxi, 706.

Seven years ago the American Institute of Criminal Law arranged, as a part of its educational work, to secure the translation of some of the more important foreign treatises on criminology. Dr. Bonger's work appears as the eighth number of this Modern Criminal Science Series.

William A. Bonger is a prominent Dutch publicist who has given special attention to the problems of crime. He is the author of "Religion and Crime" and numerous articles in Dutch and German periodicals on crime and its treatment. The Socialist point of view is very apparent in Dr. Bonger's writings, and it is doubtless the desire to bring before American readers the views of criminality held by this important school of European thought that has led to the selection for translation of "Criminality and Economic Conditions."

In style of presentation Dr. Bonger is somewhat academic. Almost half of the work is devoted to a critical exposition of the literature dealing with the relations of criminality and economic conditions. Space is even taken for the presentation of the views of men like Thomas More and Rousseau who wrote before the birth of modern criminal science. More recent writers are grouped under the titles Statisticians, Italian School, Bio-Socialists, Spiritualists, and others. The views of each are suggested by extracts and interpretations. Where Dr. Bonger differs in opinion he states his criticisms forcibly. Of one author he says that a complete criticism would require "a whole book, — so great is the number of his errors and omissions."

In summing up this review of the literature the author finds that a very small proportion of the writers deny the existence of a relation between criminality and economic conditions — the great majority are of the opinion that economic conditions occupy a more or less important position, but that other factors are also at work — while a small number are of the opinion that the influence of economic factors is sovereign. Of the third group Dr. Bonger says, "I have been able to find no inaccuracies in the foundations of their theses."

Part Two of "Criminality and Economic Conditions" contains the author's own discussion of the problem of crime. In the opening chapter one finds a brief but effective statement of the orthodox Socialist view of the present economic system. From the essential injustice of the system flow the outstanding evils of society. Prostitution is "the consequence of existing social conditions, which, in their turn, spring from the economic system of our time." "Alcoholism has its deeper causes in the material, intellectual and moral poverty created by the economic system now in force." Militarism is "a consequence of capitalism."

With regard to crime, the subject under consideration, the discussion is detailed and evidence is presented in abundance. While some crimes are more immediately economic the author finds all traceable to economic causes. Even in the crimes of degenerates the social and economic causes of degeneracy are the ultimate factors.

Upon the evidence reviewed the author claims that we have a right to say that "the part played by economic conditions in criminality is preponderating, even decisive." This conclusion he considers to be the most optimistic of criminological theories, for since crime is the consequence of economic and social conditions, we can combat it by changing these conditions, and humanity may look forward to the possibility of "some day delivering itself from one of its most terrible scourges."

In the opinion of the reviewer Dr. Bonger's work as translated is a valuable addition to our American literature on criminology. It is a partisan statement, but is a much-needed corrective to the numerous individualistic interpretations of crime recently published. It may be that lawyers especially need to consider these Socialist views of crime.

G. P. WYCKOFF.

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WOMAN'S SUFFRAGE BY CONSTITUTIONAL AMENDMENT. By Henry St. George Tucker. New Haven: Yale University Press. London: Humphrey Milford. Oxford University Press. 1916. pp. x, 204.

The present volume is an elaboration of the Storrs lectures, recently delivered by the author at the Yale Law School. Mr. Tucker attacks the proposed constitutional amendment, providing that no state shall restrict suffrage because of sex, on the ground that it violates the fundamental principles of the Constitution by destroying local self-government in a most important respect, and that such a "break in the Constitutional wall" would be almost certainly enlarged in the future (p. 150). To sustain his indictment of the proposed amendment, he quotes at length from the debates of the Constitutional Convention, and cites the Tenth Amendment as a specific establishment of state control of suffrage. The only limits upon such control have been in the Fifteenth Amendment. It, with the two other *post bellum* amendments, made changes in the Constitution as organic as the suggested Eighteenth Amendment would make, Mr. Tucker admits; but omitting from consideration their doubtful wisdom, they were the direct products of the Civil War, and hence no precedents for the suffrage amendment.

Mr. Tucker's argument, it will be seen, is directed primarily to the psychological effect of adoption of the suffrage amendment; that it is constitutionally impolitic *per se* is of lesser importance. But, for the state-rights idea to be destroyed, it must first have a present existence and potency. The assumption of such a potency is the fundamental fallacy in Mr. Tucker's argument. That the preservation of the sovereignty of the state once dominated constitutional thought, is true; that it so dominates now is obviously not. The Civil War and the subsequent amendments have combined with changes in the nature of the country, to make precarious even the continued existence of the state-rights conception. Economic pressure has increased the tendency to centralize at the expense of state powers.<sup>1</sup> The sovereignty of the state, in a true sense, has already passed away; and to a new generation of lawyers there may seem nothing strange even in the abolition of the historical states as the units of local government, and the substitution for them of economic units in harmony with

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<sup>1</sup> Cf. Former Atty.-Gen. George W. Wickersham, "Confused Sovereignty," 11 ILL. L. REV. 225, with "The Failure of the States," 9 NEW REPUBLIC 170, and Harold J. Laski, "Sovereignty and Centralization," 9 NEW REPUBLIC 176.